

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES JOSHUA PETTY,

Defendant.

CR 20-24-BU-DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered her Findings and Recommendation in this matter on March 15, 2021. (Doc. 77.) Neither party objects, and so the Court will review for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Judge DeSoto recommends that this Court accept Charles Joshua Petty’s guilty plea after he appeared before her pursuant to Federal Rule of Criminal Procedure 11. Mr. Petty has pled guilty to Count II of the Indictment, charging him with possession with intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2. (Doc. 2.)

The Court finds no clear error in Judge DeSoto's Findings and Recommendation, and adopts it in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that the Findings and Recommendation is ADOPTED in full.

IT IS FURTHER ORDERED that Mr. Petty's motion to change plea (Doc. 68) is GRANTED.

IT IS FURTHER ORDERED that Mr. Petty is adjudged guilty as charged in Count II of the Indictment (Doc. 2).

DATED this 30th day of March, 2021.



Dana L. Christensen
Dana L. Christensen, District Judge
United States District Court